

EXHIBIT “C”
PART 3 OF 6

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1 Q. In specific regard to the date September 11 of 2001, did
2 your investigation identify some activities of the defendant
3 with regard to a banking institution?

4 A. Yes.

5 Q. Tell us about that.

6 A. It's my understanding based on our investigation that the
7 defendant last set foot inside the main branch of the U.S. Bank
8 in Moscow, Idaho on September 4, 2001.

9 Q. What's the significance of September 4 from the standpoint
10 of September 11 given your experience and this investigation
11 specifically?

12 A. Activity involving various individuals that are currently
13 under investigation seem to almost halt as of September 4,
14 September 5 time frame.

15 Q. What happened on September 11 as far as he was concerned
16 and the bank?

17 A. On September 11, 2002, a year after the terrorist attacks,
18 the defendant was first seen since -- over a year later
19 entering the bank and making a cash deposit.

20 Q. So you have the November -- the September 11, 2001 events
21 and then a year later, he next appears in the bank following
22 the September 4, 2001 appearance; is that correct?

23 A. Right. On the anniversary.

24 Q. And then you also mention the Bin Laden declaration of
25 acceptance of responsibility for those events.

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1 COURT: Before we leave that area, is it your
2 testimony that the defendant was seen at the main bank on
3 September 4, 2001?

4 WITNESS: Yes.

5 COURT: You may proceed.

6 BY MR. LINDQUIST:

7 Q. In conjunction with the arrest of the defendant and as part
8 of this search warrant affidavit, search warrants were
9 executed; is that correct?

10 A. That is correct.

11 Q. And just generally speaking, tell us how those search
12 warrants were obtained.

13 A. The search warrants were obtained by applying for the
14 search warrants preparing an affidavit and presenting those in
15 front of a U.S. magistrate. The search warrants were obtained
16 and then were subsequently executed.

17 Q. And executed on what day?

18 A. They were executed on February 26, 2003.

19 Q. Where were the search warrants executed?

20 A. There were four separate locations. One was the
21 defendant's home at 311 West Sweet, Apartment 6, Moscow, Idaho.
22 A second search warrant was executed for the defendant's
23 vehicle, a 1992 Pontiac Bonneville. A third one was served at
24 an apartment on D Street, 504 and one-half D Street which is on
25 the corner of Van Buren and D in Moscow, Idaho and the fourth

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1 and final warrant was served at the engineering isotope lab on
2 the University of Idaho campus where the defendant's work
3 station was located.

4 Q. When you say work station, did that include a computer?

5 A. Yes, it did.

6 Q. Was a search done of the contents of that computer?

7 A. A cursory examination only.

8 Q. Okay. And can you tell us just briefly how that search of
9 the computer was conducted, how it was done?

10 A. The computer was transported to our Pocatello information
11 technology center where some intelligence analysts in
12 conjunction with our computer analysis response team conducted
13 a cursory examination of various files on that computer.

14 Q. Okay. Can you give us an idea generally speaking how much
15 material was identified on that computer? First of all, the
16 size of the hard drive.

17 A. The hard drive was an 80 gigabyte hard drive which to put
18 in comparison, that computer at that location at the University
19 of Idaho would normally have been only a 3 or 4 gigabyte hard
20 drive.

21 Q. What did you find as far as the amount of material
22 contained on that large hard drive?

23 A. In the cursory examination which probably was only 29,000
24 files resulted in the identification of numerous photographs --
25 photo images.

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1 Q. Can you give us an idea, recognizing that it has been a
2 cursory review, of the number of photographic images that were

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3 recovered from the hard drive or that are on that hard drive?

4 A. Thousands. Thousands of photographs.

5 Q. Were some retrieved for purposes of this case, for purposes
6 of this hearing?

7 A. Yes, some were retrieved.

8 Q. Take a look, if you will, at Exhibits 5 through 15 that you
9 have there in front of you. Do you see those?

10 A. Yes, I do.

11 Q. Are those photographs taken from the hard drive that you've
12 just referenced?

13 A. Yes.

14 Q. The defendant's hard drive there in the isotope lab; is
15 that correct?

16 A. That is correct.

17 Q. And these are just a few of thousands of other pictures
18 that are on that hard drive; is that right?

19 A. Yes.

20 Q. Can you give us an idea generally speaking of what
21 collectively these -- this group of photographs depict?

22 A. Exhibit 5 through --

23 Q. 5 through 15. Go ahead and just pull those out.

24 A. Exhibits 5 through 14 are all photographic or artistic
25 renditions of the attacks on the World Trade Center or

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1 photographs of the World Trade Center in New York.

2 Q. And 15?

3 A. The 15th is an aerial view of the Pentagon building in

Exhibit B.txt

4 Washington D.C.

5 MR. LINDQUIST: Your Honor, I offer these for purposes
6 of this hearing.

7 COURT: Any objection to Exhibits 5 through 15?

8 MR. NEVIN: Can I have a moment, Your Honor?

9 COURT: All right.

10 MR. NEVIN: May I inquire in aid of an objection, Your
11 Honor?

12 COURT: All right. It will be solely for foundation,
13 how they were obtained, et cetera.

14 MR. NEVIN: Yes.

15 COURT: All right.

16 MR. NEVIN: Yes.

17 EXAMINATION

18 QUESTIONS BY MR. NEVIN:

19 Q. Did you personally seize the computer?

20 A. No, sir, I did not.

21 Q. Have you been told where it was seized from?

22 A. Yes.

23 Q. And it was seized from an office area?

24 A. Yes, sir. It was seized from the engineering isotope lab.

25 Q. And this is an office area that's utilized by -- only by

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1 Mr. Al-Hussayen? Is that your testimony?

2 A. No. It's my understanding that he shares that office with
3 another person.

4 Q. And do you know the history of this computer? Do you know
5 who it's been used by, how it arrived at that location, who put

Exhibit B.txt

6 those images on the computer, matters of that sort?

7 A. No, sir. Those items are still under investigation.

8 Q. Isn't there a way that you can look at a computer and tell
9 who's accessed the particular files on the computer and when
10 they were last accessed?

11 MR. LINDQUIST: Your Honor, this is really
12 cross-examination.

13 WITNESS: Sir, I'm not a technical expert.

14 COURT: I'll allow counsel to finish.

15 WITNESS: Sir, I'm not a technical expert in that
16 manner.

17 BY MR. NEVIN:

18 Q. Go ahead. Sorry.

19 A. The answer is I'm not a technical expert when it comes to
20 computer analysis.

21 Q. You know that to be the case though. You can determine
22 when files have been accessed.

23 A. Sir, I refer those questions to the technical guys.

24 Q. You can't tell us as you sit here on the witness stand that
25 Mr. Al-Hussayen has ever looked at these images, can you?

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1 A. Sir, that computer was seized from his work station area
2 and I do know that he accessed that computer.

3 Q. That's not my question.

4 MR. LINDQUIST: Now we're in cross-examination, Your
5 Honor.

6 MR. NEVIN: I think this is foundational to whether

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7 these come into evidence.

8 MR. LINDQUIST: No, it isn't. This is
9 cross-examination.

10 COURT: I'll allow him to finish up this short line of
11 inquiry and then you can state an objection to the evidentiary
12 introduction if you have one.

13 BY MR. NEVIN:

14 Q. Then my question was you can't testify as you sit on the
15 witness stand today that Mr. Al-Hussayen ever looked at these
16 images, can you?

17 MR. LINDQUIST: And I'll object to the relevancy of
18 that.

19 COURT: Do you have an objection to the (inaudible)?

20 MR. NEVIN: Yeah, I object that they've not been
21 adequately tied to Mr. Hussayen to be admitted into evidence.

22 COURT: I'll overrule the objection. Counsel, I plan
23 on going till noon today if that works with everyone before we
24 take that break. Is that agreeable?

25 MR. NEVIN: Yes, sir. Would we start up again at

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1 1:00 -- 1:30?

2 COURT: At 1:00.

3 MR. NEVIN: At 1:00.

4 COURT: Yes. All right. You may proceed. Exhibits 5
5 through 15 will be admitted.

6 MR. LINDQUIST: Thank you.

7 (Government's Exhibit Nos. 5 through 15 admitted.)

8 CONTINUED DIRECT EXAMINATION
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9 QUESTIONS BY MR. LINDQUIST:

10 Q. Very quickly and briefly, what does Exhibit 5 depict?

11 A. Bear with me for one second.

12 Q. Do you have them there?

13 A. I'm sure I have it here somewhere. Here we go. Exhibit 5
14 is what appears to be a photograph of the world Trade Center
15 after it had collapsed.

16 Q. Exhibit 6?

17 A. Exhibit 6 is what appears to be a computer generated image
18 of the world Trade Center depicting where the first and second
19 impacts of the aircraft hit the towers.

20 Q. Exhibit 7?

21 A. Exhibit 7 is a photograph of the world Trade Center sky
22 line prior to the attack -- well, at some time prior to the
23 attack.

24 Q. Exhibit 8?

25 A. Exhibit 8 appears to be a dual image of the second aircraft

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1 before -- immediately before and right after it crashed into
2 the towers.

3 Q. Exhibit 9?

4 A. Exhibit 9 are two photographs. A larger photograph of the
5 world Trade Center undamaged and then an inserted photograph of
6 the trade centers on fire.

7 Q. Exhibit 10?

8 A. Exhibit 10 again appears to be a computer generated image
9 of the world Trade Centers showing in stages how the aircraft

Exhibit B.txt
10 impacted into the towers.
11 Q. Exhibit 11?
12 A. Exhibit 11 is a photograph -- what appears to be a
13 photograph of the world Trade Centers after they had collapsed
14 and rescue personnel were on the scene.
15 Q. 12?
16 A. Exhibit 12 is a photograph of the world Trade Centers taken
17 from below. It shows that both towers are on fire.
18 Q. 13?
19 A. 13 is another image of the trade centers from a distance
20 with the Empire State Building in front of it that show the
21 towers on fire.
22 Q. 14?
23 A. 14 appears to me to be the same --
24 Q. As a previous one, doesn't it?
25 A. As a previous one.

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1 Q. No. 8?
2 A. Yes. That's the same as Exhibit 8.
3 MR. LINDQUIST: Given that, Your Honor, I would move
4 to withdraw No. 14 because it's already depicted in -- by
5 Exhibit 8.
6 COURT: All right. It will be withdrawn.
7 (Government Exhibit No. 14 withdrawn.)
8 BY MR. LINDQUIST:
9 Q. And then 15?
10 A. And 15 is an aerial photograph of the Pentagon building.
11 Q. Is your testimony that these are the only photographs

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12 depicting the world Trade Center in conjunction with the events
13 of 9/11 on that computer?

14 A. By no means whatsoever.

15 Q. Why do you say that?

16 A. The cursory examination of the photographic images on that
17 computer revealed thousands and thousands of photographs. I
18 can't even begin to guess how many were of the world Trade
19 Center.

20 Q. Let's continue talking about the defendant's web site
21 activities. Specifically, did your investigation show any
22 connection between the defendant and the sheikhs that you've
23 mentioned, Al-Ouda and Al-Hawali?

24 A. Yes.

25 Q. Tell us what those connections are.

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1 A. Well, the investigation has revealed numerous connections
2 between the defendant and Sheikh Al-Ouda and Sheikh Al-Hawali.

3 Q. Let's just talk web sites for right now.

4 A. As far as web sites are concerned, the defendant has been
5 involved in the maintenance, technical advisement for web --
6 multiple web sites for both Sheikh Al-Ouda and Sheikh
7 Al-Hawali.

8 Q. Take a look at Exhibit No. 3 which is that list of web
9 sites associated with the defendant. Do you have that?

10 A. Yes, I do.

11 Q. Can you point out the number of the web site that is
12 directly attributable to one of those sheikhs or those two

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13 sheikhs?

14 A. Islam Today for example is --

15 Q. Number --

16 A. Is no. 8.

17 Q. Okay.

18 A. Islam Today is Sheikh Al-Ouda's web site. He publishes a
19 lot of his lectures, articles on that web site and I believe
20 even on the web page itself, there is reference to the fact
21 that that is Sheikh Al-Ouda's web site.

22 Q. And that's the web site that he referenced in the interview
23 with the New York Times reporter, correct?

24 A. That's correct.

25 Q. What other web sites do we see here associated with either

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1 of those two gentlemen?

2 A. Well, clearly web sites nos. 10 and 11 are associated with
3 Sheikh Al-Hawali. Those web sites are Al-Hawali.org and
4 Al-Hawali.com.

5 Q. Okay. Now, did your investigation identify some particular
6 publications associated with those web sites or other web sites
7 linked to the defendant and the IANA publications of these two
8 radical sheikhs?

9 A. Yes.

10 Q. Let me call your attention to one in particular. And this
11 is cross referenced if you will with affidavit paragraph 36.
12 Are you with me?

13 A. All right.

14 Q. That affidavit paragraph 36 references some publications
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15 that appeared on one of these web sites; is that correct?
16 A. Yes, it does.
17 Q. Okay. which web site is that?
18 A. That is web site Al-Asr.ws.
19 Q. And give us an idea what that publication or publications
20 consisted of.
21 A. That publication -- Al-Asr.ws is an internet magazine or
22 one of the functions is I suppose as an internet magazine and
23 on the date depicted there in the affidavit of May 15, 2001,
24 there were at least three articles that specifically spoke to
25 the issue of suicide operations.

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1 Q. who were the authors of those articles?
2 A. The authors were Sheikh Homed Ali (phonetic).
3 Q. And where have we heard him before -- of him?
4 A. He is the sheikh that wrote the article that had the
5 verbiage in it about bringing down an airplane.
6 Q. Okay.
7 A. There was also an article entitled "Suicide Operations"
8 which was written by Sheikh Salman Al-Ouda and --
9 Q. And in essence, the content of that with regard to suicide
10 operations, what?
11 A. In that particular article, Sheikh Al-Ouda stated that
12 death is better than a humiliating life and it gave
13 justifications and conditions on suicide operations.
14 Q. Go to paragraph 37. Does that reflect another publication
15 associated with Sheikh Al-Ouda?

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- 16 A. Yes, it does.
- 17 Q. And what -- what web site are we talking about here?
- 18 A. That web site is Islam Way.com.
- 19 Q. And that is associated with the Islamic Assembly of North
- 20 America; is that correct?
- 21 A. Yes, sir.
- 22 Q. And what was the orientation of that publication?
- 23 A. I'm not sure I understand.
- 24 Q. What did the publication say? What was its --
- 25 A. It again was a publication or an article that justified

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- 1 suicide bombings.
- 2 Q. Paragraph 38 talks about an event associated with a
- 3 Canadian web site at the time; is that correct?
- 4 A. That's my understanding.
- 5 Q. Tell us about that. What happened here?
- 6 A. As is stated in the affidavit, on August 16, 2001, three
- 7 full weeks prior to the September 11 attacks, there was a
- 8 posting on the Islam Way.com web site that was titled "An
- 9 Invitation to Jihad" and in that particular posting, there was
- 10 an invitation as I said in the title for -- or a recruitment
- 11 pitch essentially to come and fight with the Mujahideen. Come
- 12 and train and then eventually fight with --
- 13 Q. Did that result in a complaint by a particular entity?
- 14 A. Yes, it did.
- 15 Q. Tell us about that.
- 16 A. There was a Jewish entity in Canada that became aware of
- 17 that particular posting, brought that to the attention of the

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18 Royal Canadian Mounted Police who initiated an investigation.

19 Q. Did that also result in some press, some articles in the
20 newspaper?

21 A. Yes, it did.

22 Q. Does that paragraph in the affidavit reflect at least a
23 snippet of one of those articles and the perception of what was
24 appearing on that web site?

25 A. Yes, it does.

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1 Q. Would you read that snippet for us if you would on the
2 bottom of page 13? And that appeared in what newspaper? Do
3 you recall?

4 A. I don't recall.

5 Q. Okay.

6 A. Sorry.

7 Q. But a Canadian newspaper; is that correct?

8 A. That is correct.

9 Q. All right. Read that sentence to us, would you?

10 A. It states, "Terrorist organizations have been making
11 increasing use of the internet to further their violent
12 agendas. They use computers to communicate, spread propaganda,
13 fund raise and organize operations. Canada may be becoming a
14 base for such cyber terrorism because of the technological
15 advancement."

16 Q. Did that newspaper article have anything to do with your
17 investigation of the defendant meaning was it generated as a
18 result of your investigation of the defendant or was it

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19 completely independent?

20 A. No. It was completely independent.

21 Q. This is just something that you came across as part of your
22 investigation; is that right?

23 A. That's correct.

24 Q. Let's talk about another publication associated with the
25 defendant's web sites. Take a look at paragraph 39. Are you

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1 with me?

2 A. Yes, I am.

3 Q. That is another publication on what web site?

4 A. That is again on Islam Way.com.

5 Q. And what is the gist of that particular publication?

6 A. This again appears to be a posting on Islam Way.com where
7 the writer of the posting advised -- excuse me, that he was
8 leaving Afghanistan in an on-duty status and further stated
9 that Jihad is the only means to eradicate all evil on a
10 personal and general level. And that the only answer is to
11 ignite and trigger an all out war, a worldwide Jihad, and that
12 we will do our best to ignite this war. May Allah protect us.

13 Q. Affidavit paragraph 40 references yet another publication
14 associated with these web sites; is that correct?

15 A. That is correct.

16 Q. And this -- the web site in this particular case is what?

17 A. This web site is Islam Today.net.

18 Q. Now again, remind us. That web site is tied to what
19 particular individual?

20 A. It's my understanding that that belongs to Sheikh Al-Ouda.

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21 Q. And this publication though is not by Sheikh Al-Ouda,
22 correct?

23 A. No, it's not.

24 Q. Is it by whom?

25 A. It is by Sheikh Safar Al-Hawali.

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1 Q. And the date of that publication?

2 A. September 4, 2002.

3 Q. Title of the article that was published?

4 A. The title of the article is "Appeal to Help Our Palestinian
5 Brothers."

6 Q. Can you give us an idea of the content of that publication,
7 its philosophical orientation, what it was saying?

8 A. It was essentially calling for support of Jihad in the
9 Palestinian situation. There is verbiage in the publication
10 that states developing the methods and means of Jihad such as
11 targeting settlements, surprise attacks on military bases,
12 manufacturing and improving weapons and similar careful and
13 wise choices in deep penetration and martyrdom operations,
14 et cetera, et cetera.

15 Q. These then were publications, indications of direct contact
16 between the defendant and these two radical sheikhs by means of
17 those publications on the web sites; is that right?

18 MR. NEVIN: I'll object to that as a leading question.

19 COURT: I'll sustain the objection.

20 BY MR. LINDQUIST:

21 Q. There were other connections -- your investigation revealed

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22 other connections, did they not, or revealed other things as
23 far as connections between the defendant and these two sheikhs;
24 is that right?

25 A. That's correct.

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1 Q. Did the investigation participate in what is referred to
2 statutorily as the Foreign Intelligence Surveillance Act?

3 A. Yes, it did.

4 Q. Just generally speaking, what is that?

5 A. The Foreign Intelligence Surveillance Act is a mechanism by
6 which the United States Government after going through a long
7 process of applying for -- to have this act operational by
8 which we can have a court-ordered surveillance or court-ordered
9 wire tap with regard to circumstances dealing with national
10 security matters.

11 Q. All right. How is that different from what in the federal
12 system we commonly refer to as a Title 3 wire tap or court-
13 ordered authorization? How is it different?

14 A. It's different in the sense that we go before an entirely
15 different court. For example, instead of going before a
16 criminal magistrate to obtain a search warrant, you actually go
17 before the Foreign Intelligence Surveillance Court.

18 Q. What I'm really getting to is on the Title 3, we're talking
19 about a typical criminal investigation within the federal
20 system; is that correct?

21 A. That's correct.

22 Q. As the Foreign Intelligence Surveillance Act deals with
23 national security and investigations that are directly prompted

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24 by national security; is that correct?

25 A. That's correct.

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1 Q. And as a result of those court authorized interceptions, a
2 criminal investigation can gain access to learn what has been
3 intercepted and learned as a result of those investigations; is
4 that right?

5 A. That's correct.

6 Q. What type of interceptions were involved -- or did you
7 receive information from? Are we talking phone calls, computer
8 e-mails? Is that what we're talking about?

9 A. Primarily.

10 Q. Okay. So that's what we're talking about as far as these
11 interceptions are concerned; is that right?

12 A. That's correct.

13 Q. Did some of those court authorized interceptions reveal
14 activities by the defendant?

15 A. Yes, they did.

16 Q. And in what capacity? Telephone and e-mail?

17 A. That's correct.

18 Q. All right. Did those interceptions reveal anything as far
19 as the relationship between the defendant and Sheikh Al-Ouda?

20 A. Yes.

21 Q. What did they reveal generally speaking?

22 A. They revealed -- they revealed one thing, that the
23 defendant has an extreme amount of respect for Sheikh Al-Ouda.

24 He has operated in the capacity of assisting with setting up

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25 web sites that Sheikh Al-Ouda can use as a vehicle to preach

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1 his message to -- as I've stated before, to the widest audience
2 possible.

3 Q. Did they reveal the direct contact between the defendant
4 and that Sheikh?

5 A. Yes, they do.

6 Q. And those associated with the Sheikh?

7 A. Yes, they do.

8 Q. Did those interceptions also reveal anything similar with
9 regard to Sheikh Al-Hawali?

10 A. Yes, very similar.

11 Q. What?

12 A. Again, the interceptions show a very close link between the
13 defendant and Sheikh Al-Hawali, the setting up of web sites,
14 the providing of vehicles for extended communication,
15 telephonic contact with intermediaries of Sheikh Al-Hawali.

16 Q. And all within the context of web site work; is that
17 correct?

18 A. I believe so.

19 Q. In the course of those interceptions, do you remember any
20 characterization by Sheikh Al-Ouda or those associated with him
21 of the defendant as far as the defendant's role in this web
22 site work?

23 A. Yes. I seem to recall there being one intercepted
24 communication in which --

25 MR. NEVIN: I'll object to that without further

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1 foundation as to who made the statement and time, place,
2 matters of that sort.

3 COURT: You may proceed a little bit with foundation.

4 BY MR. LINDQUIST:

5 Q. Tell us approximately when this interception took place and
6 the defendant was involved; is that correct?

7 A. The defendant was involved. The party on the other end was
8 Sheikh Al-Ouda and he deferred to the defendant as being the
9 manager or -- I don't recall the exact verbiage but essentially
10 the manager of the web site and he deferred decisions with
11 regard to the web site to him.

12 Q. And would follow his, meaning the defendant's direction; is
13 that correct?

14 A. Yes.

15 Q. You mentioned that the search warrants were executed in
16 conjunction with the arrest of the defendant. Did those search
17 warrants show anything or result in any evidence that
18 corroborated the tie between the defendant and Sheikh Al-Ouda
19 and Sheikh Al-Hawali?

20 A. Yes, they did.

21 Q. Tell us about that.

22 A. During one of the executed search warrants, an address,
23 phone book was discovered and in that phone book in Arabic were
24 written the telephone numbers for both Sheikh Al-Ouda and
25 Sheikh Al-Hawali.

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1 Q. Was that finding consistent with your investigation
2 otherwise that you testified to?

3 A. Yes.

4 Q. You've already testified to photographs that were found on
5 the defendant's computer, seized at the isotope lab. There
6 were other photos that were seized from that in your cursory
7 review; is that correct?

8 A. Yes.

9 Q. Take a look at Exhibits 16 through 94. Do you have those
10 up there?

11 A. I do.

12 Q. And all of those exhibits depict photographs; is that
13 correct?

14 A. I am pretty sure they are all photographs. No, I take that
15 back. I know that there are some that are graphic images of
16 maps for example but not many.

17 Q. But they were all taken from the computer that you
18 testified to; is that right?

19 A. That's correct.

20 Q. Categorically, what do all of these photographs have in
21 common from the standpoint of what you've been testifying to
22 today? What's their significance? What's their pertinence
23 here? Why are we showing them to the judge?

24 A. I think their significance is clear.

25 Q. What is it?

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1 A. Almost without exception, these photographs show Jihad --
2 what we could consider to be Jihadist sort of things. Many
3 photographs of Usama Bin Laden. Many photographs of Chechnyan
4 Mujahideen. Photographs of dead disemboweled bodies.
5 Photographs of what appear to be captured Russian soldiers.
6 Q. International terrorism related event; is that correct?
7 A. Exactly.
8 MR. LINDQUIST: I offer these exhibits into evidence,
9 please, for purposes of this hearing.
10 COURT: Any objection?
11 MR. NEVIN: The same objection I expressed with
12 respect to the other photographs.
13 COURT: All right. That's been noted and overruled.
14 We'll admit Exhibits 16 through 94.
15 (Government Exhibit Nos. 16 through 94 admitted.)
16 COURT: You may proceed.
17 MR. LINDQUIST: Thank you.
18 BY MR. LINDQUIST:
19 Q. Let's just go through some of these. There are quite a
20 number but there again, in that regard, this is just a small
21 percentage of what your cursory review found; is that right?
22 A. Just the tip of the iceberg in my opinion.
23 Q. Take a look at Exhibit 17. Who's that?
24 A. That appears to be a photograph of Sudaman Abu Gathe
25 (phonetic) who is known as -- he is an Al Quaida or was an Al

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1 Quaida spokesman.
2 Q. Okay. Exhibit 18?
3 A. That's a photograph of a Taliban soldier with an RPG -- a
4 rocket propelled grenade.
5 Q. Exhibit 20?
6 A. That's a photograph of Usama Bin Laden superimposed on some
7 Arabic text that we have not translated yet.
8 Q. Exhibit 21?
9 A. Photograph of Usama Bin Laden.
10 Q. And 23?
11 A. Usama Bin Laden.
12 Q. 24?
13 A. Usama Bin Laden.
14 Q. 25?
15 A. Usama Bin Laden.
16 Q. 26?
17 A. That appears to be a photograph of Hisballah (phonetic)
18 rebels with rocket propelled grenades on the shoulders and a
19 firearm of some sort.
20 Q. 29?
21 A. That is a photograph of the American flag being burned.
22 Q. What's the significance of 30?
23 A. 30 --
24 Q. Specifically.
25 A. Specifically? Well, it is a photograph almost in the form

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1 of a poster it appears that shows Usama Bin Laden facing off
2 with President George Bush and there is a target superimposed

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3 on the president's head with the center of his head directly in
4 the center of the cross hairs of the target.

5 Q. And it has a reference to a web site; is that correct?

6 A. Yes, it does.

7 Q. No. 31.

8 A. Usama Bin Laden and others.

9 Q. Who's depicted in 33 to your knowledge?

10 A. You know, I'm not certain. That's a photograph of an
11 individual that we have yet to identify.

12 Q. 34, what does that show?

13 A. That is a photograph of Washington, D.C.

14 Q. The capital building, correct?

15 A. Yes, it is.

16 Q. 35, what's the significance of that specifically?

17 A. 35 is a poster and the shape of the blob in the middle of
18 the poster appears to be Chechnya. Inside the blob are
19 soldiers who appear to be Mujahideen and the poster itself
20 makes reference to a very radical web site, Cocaus.com
21 (phonetic) which is linked to many of the IANA, Islamic
22 Assembly of North America, sites and the defendant received
23 e-mail from Cocaus.

24 Q. 36?

25 A. Taliban soldiers with RPG's.

□

68

1 Q. 39?

2 A. Although I'm not positive, this appears to be a photograph
3 of the inside of the Moscow music hall where the chemical

Exhibit B.txt

4 agents were introduced to essentially put an end to the
5 takeover of that -- that theater by Mujahideen rebels.
6 Q. You're going to reference that here in a moment in another
7 capacity, correct?
8 A. Yes, sir.
9 Q. 41?
10 A. That is a photograph of Sheikh Al-Ouda.
11 Q. 42?
12 A. That is Eden Catab (phonetic), a Chechnyan rebel leader.
13 Q. You mentioned some Russian soldiers. Exhibit 44.
14 A. This is a photograph of what appears to be a Russian
15 soldier, Petrov Demetri Alexandrovich, almost as if he has --
16 he's got his name superimposed in front of him. Although we
17 don't know what it is, we suspect he may have been taken
18 prisoner.
19 Q. Similarly 45; is that correct?
20 A. Yes.
21 Q. And I'm skipping over some that depict violent deaths; is
22 that right?
23 A. That is --
24 Q. Corpses and so forth?
25 A. That is correct.

□

69

1 Q. Exhibit 49?
2 A. Exhibit 49 is a map that appears to be pulled from MS NBC.
3 Q. A map of what?
4 A. The map is of the State of California and there are four
5 specific locations that are designated on the map, each of

Exhibit B.txt

6 which appears to be a bridge: The Golden Gate Bridge in San
7 Francisco, the Bay Bridge in San Francisco, the Coronado Bridge
8 between San Diego and Coronado and the Vincent-Thomas Bridge
9 that spans the main channel of L.A. harbor.

10 Q. 50?

11 A. Is a photograph of the Golden Gate Bridge.

12 Q. 52?

13 A. 52 is a photograph of detainees being flown in U.S.
14 military aircraft to Guantanamo Bay.

15 Q. 54?

16 A. Our initial analysis of this photograph indicates that this
17 is a suicide note with a superimposed arrow pointing to the
18 detonation switch.

19 Q. 58?

20 A. Usama Bin Laden.

21 Q. 59?

22 A. This appears to be soldiers including what appears to be a
23 wounded soldier in the Cashmere region.

24 Q. What's 60? who's depicted in 60?

25 A. That's Sheikh Al-Ouda.

□

70

1 Q. 61, what's the significance of that building?

2 A. That's the FBI headquarters building in Washington, D.C.

3 Q. 62, who's that?

4 A. Sheikh Al-Ouda.

5 Q. 63, more fighters; is that correct?

6 A. Actually Taliban fighters.

Exhibit B.txt

- 7 Q. Taliban fighters? 64, what's that?
8 A. That is a United Airlines passenger jet.
9 Q. On the ground or flying?
10 A. Flying.
11 Q. 65?
12 A. Is a U.S. Navy aircraft carrier.
13 Q. 66, who's that?
14 A. That's Sheikh Al-Ouda.
15 Q. 67, what's the significance of that building?
16 A. That's a photograph of a building in Israel where a Jewish
17 wedding was being held and it was bombed.
18 Q. 72, who is that?
19 A. I'm not sure. Sorry.
20 Q. Okay. What do we see there? We see --
21 A. We see what appears to be a scholarly looking elderly man
22 with -- in a vehicle with an automatic weapon at his side.
23 Q. Going back to Exhibit 64, the United Airlines plane flying,
24 is this the only -- is this the only one of this nature that
25 was found in your cursory review of airplanes?

□

71

- 1 A. I don't think so. I'm not sure.
2 Q. Fair enough. 73, what does that depict?
3 A. That is the Knesset Building, the Israeli parliament
4 building.
5 Q. 75, do you know what that depicts?
6 A. That appears to be a nuclear reactor in North Korea.
7 Q. The individuals in 76, what's the significance of that
8 photo; do you know?

Exhibit B.txt

9 A. Those folks -- those three individuals in that one
10 photograph are the victims of the Gibla Baptist Hospital
11 murders.
12 Q. And does that relate to No. 77 that follows?
13 A. It does.
14 Q. What does that show?
15 A. That's a photograph of the Gibla Baptist Hospital in the
16 Yemen -- Gibla, Yemen.
17 Q. Does that have something to do with international
18 terrorism?
19 A. It does. On December 30, 2002, a terrorist gunman -- at
20 least one entered the hospital and murdered some of the -- at
21 least one doctor and some medical personnel inside the
22 hospital, wounded several others.
23 Q. And 78, what does that show?
24 A. That is a photograph of the British ship HMS South Hampton
25 as it's traveling through the Suez Canal.

□

72

1 Q. 79, who is that?
2 A. That is Zacharias Musowi (phonetic).
3 Q. Who's he?
4 A. He is currently at trial for terrorist charges related to
5 September 11.
6 Q. No. 80, who is that?
7 A. That is Richard Reed --
8 Q. Who is he?
9 A. He is the infamous shoe bomber that tried to ignite his

Exhibit B.txt

10 shoes in the transatlantic flight.

11 Q. No. 83, who is that; do you know?

12 A. That is Daniel Pearl, the assassinated or murdered
13 journalist.

14 Q. And he was murdered where?

15 A. Pakistan I think.

16 Q. Pakistan? 84, what does that depict?

17 A. That is a photograph of President George Bush superimposed
18 on other photographs that show U.S. military troops and Usama
19 Bin Laden. The title of this file is "War, Al Quaida."

20 Q. No. 90?

21 A. That's Sheikh Al-Ouda.

22 Q. No. 93? I think No. 93 and 94 are two versions of the same
23 picture, are they not?

24 A. Yes, they are.

25 Q. What do they depict?

□

73

1 A. Well, the title of this file is "Air Marshals" and the
2 photograph shows what appears to be a training exercise where a
3 masked attacker is behind another individual and what appears
4 to be slitting his throat.

5 Q. The review of that computer is ongoing; is that correct?

6 A. Yes.

7 Q. And these particular photographs became available to you
8 only as recently as when?

9 A. Late last night.

10 Q. We've been talking about the defendant's web site --
11 outside web site activities and how that relates to terrorism;

Exhibit B.txt

12 is that correct?

13 A. That's correct.

14 Q. Now I want to ask you some questions about his outside
15 business activities in the same connection. We're looking at
16 page 14 for cross reference purposes of the affidavit.
17 Specifically as far as my first question, it's affidavit
18 paragraph 41. Generally speaking, what did your investigation
19 find as far as the outside business activities of the
20 defendant?

21 A. The financial aspects of the investigation have revealed
22 extensive amounts of money passing in and out of the
23 defendant's accounts. We've identified at least six different
24 bank accounts in the United States and significant moneys
25 passing through them.

□

74

1 Q. Prior to the execution of the search warrants that you've
2 mentioned, how many bank accounts have you identified
3 associated with the defendant?

4 A. I want to say there were six -- are you talking about other
5 than his own accounts?

6 Q. No, I'm just talking about accounts known to you prior to
7 his arrest and the execution of the search warrants.

8 A. His accounts, six.

9 Q. As a result of the execution of the search warrants, have
10 you become aware of potentially any other bank accounts
11 associated with --

12 A. It appears that we've identified other accounts, yes.

Exhibit B.txt

13 Q. And the investigation is ongoing with regard to them; is
14 that correct?

15 A. That's correct.

16 Q. Paragraph 42. These business relationships, these
17 financial relationships that your investigation revealed were
18 connected with what entity primarily?

19 A. They were primarily connected with the Islamic Assembly of
20 North America.

21 Q. And were there connections -- financial connections,
22 business connections with other individuals and other entities
23 besides the Islamic Assembly of North America?

24 A. Yes.

25 Q. Did that include Sheikh Al-Ouda or that you would

□

75

1 characterize as business?

2 A. Yes.

3 Q. Sheikh Al-Hawali?

4 A. To the extent that they deal with the web sites, yes.

5 Q. Fair enough. As far as the IANA, the Islamic Assembly of
6 North America, what -- describe for us, if you would, the
7 business relationship that your investigation found as far as
8 the defendant was concerned.

9 A. We've cited tens of thousands if not hundreds of thousands
10 of dollars that have passed from the defendant to the Islamic
11 Assembly of North America in the form of checks, wire transfers
12 and other means.

13 Q. Have colleagues of yours done assessments of the financial
14 information that you have obtained?

Exhibit B.txt

15 A. Yes.

16 Q. Does that assessment include the funds going into the
17 defendant's accounts and what funds were going out of the
18 accounts?

19 A. Yes.

20 Q. Can you give us an idea generally speaking of the nature of
21 the funds generally speaking going into his personal accounts,
22 going in?

23 A. The defendant routinely receives large sums of money that
24 come from overseas sources. Generally from Saudi Arabia. They
25 pass into his account and subsequently pass out of his

□

76

1 account --

2 Q. Before going to where they go out of the account, let's
3 just talk about the funds coming in. Did you identify any
4 funds coming into his accounts that you could attribute
5 directly to his studies and living?

6 A. Yes.

7 Q. Tell us about that.

8 A. As a foreign student from Saudi Arabia in the United
9 States, Mr. Al-Hussayen is essentially on a scholarship of
10 sorts from the Saudi government. He receives a monthly stipend
11 that ranges in amounts but it's generally about \$2,700 a month
12 more or less.

13 Q. Were you able in your analysis -- your financial analysis
14 to segregate the study/living related expenses coming into the
15 account and where they went and the nonstudy/living related

Exhibit B.txt

16 expenses or the moneys that came into his account and where
17 they went?

18 A. Yes.

19 Q. Were they clearly segregated?

20 A. It appears that there was a definite split.

21 Q. Did that financial analysis show that the defendant was
22 functioning as a financial conduit of large sums of money?

23 A. Yes.

24 Q. Can you give us an idea of some of the sources of that
25 nonstudy/nonliving expense money that the financial records

□

77

1 show went into his accounts?

2 A. Well, for example, we identified two wire transfers in 1998
3 that came from a family member of Mr. Al-Hussayen.

4 Q. Who's that?

5 A. That would be Saleh Al-Hussayen.

6 Q. And as far as the investigation is concerned, what do you
7 deem that relationship to be, that individual to the defendant?

8 A. It appears that Saleh Al-Hussayen is the defendant's uncle.
9 Those two wire transfers totaled approximately \$100,000.

10 Q. And approximately when did those transfers occur?

11 A. They occurred in 1998 and I can be more specific if I refer
12 to the affidavit. In September 10 and September 25 of 1998 and
13 were broken into two wire transfers each approximately \$50,000.

14 Q. Did your financial analysis maintain or insure the
15 integrity of those funds being maintained as they passed
16 through the defendant's bank account and out?

17 A. Yes.

Exhibit B.txt

18 Q. Where did they go? where did they go out and into?
19 A. Almost to the penny, that hundred thousand dollars went to
20 IANA.
21 Q. Was there a period of time that the defendant held those
22 funds in his bank account before they went out to the IANA?
23 A. Yes.
24 Q. Approximately how long was that?
25 A. It was approximately six to nine months that that money sat

□

78

1 in the defendant's account.
2 Q. By the way, has your investigation revealed whether or not
3 these accounts generated interest?
4 A. Yes.
5 Q. What has your investigation shown?
6 A. They do not generate interest.
7 Q. And have you come to understand why that is?
8 A. Yes. Upon request of many of the foreign students, they
9 will not accept interest payments into their accounts.
10 Q. As a religious matter; is that correct?
11 A. That is correct.
12 Q. So the hundred thousand sat there for that period of time
13 not collecting interest; is that right?
14 A. That's correct.
15 Q. And then went where?
16 A. It went piecemeal to IANA over a period of time.
17 Q. Did the financial analysis of that flow of the hundred
18 thousand dollars from the uncle through the defendant's bank

Exhibit B.txt

19 accounts to the IANA correlate with any other receipt of a
20 large sum of money by the IANA?
21 A. Yes.
22 Q. And this is I believe also depicted or referenced in
23 affidavit paragraph 45; is that correct? No, excuse me. I'm
24 wrong. Not 45. 42.
25 A. No, I don't think it's there.

□

79

1 Q. Okay. You know what I'm referring to?
2 A. I know what you're referring to.
3 Q. I'll find the paragraph here in a moment.
4 A. There was a -- paragraph 48.
5 Q. 48, thank you.
6 A. In May of 1998, there was a \$300,000 wire transfer to IANA
7 from a Swiss bank account. It was only when that \$300,000 was
8 exhausted by IANA that payments of the defendant's \$100,000
9 began to be disbursed to IANA.
10 Q. Showing the correlation of activity of operations; is that
11 correct?
12 A. Yes. As the payments were made, in many cases on the same
13 day that say \$14,000 wire transfer was sent to IANA, payments
14 were made to officers from that IANA bank account essentially
15 in the form of salary.
16 Q. Has your investigation revealed how these moneys -- these
17 moneys that are sent from the defendant's bank accounts to the
18 IANA are characterized by the IANA?
19 A. Yes. The investigation has revealed that the IANA books
20 refer to them as loans.

Exhibit B.txt

21 Q. Loans?
22 A. Right.
23 Q. Is there anything in the investigation that would suggest
24 to you that these are legitimate loans?
25 A. No.

□

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1 Q. Your investigation suggests that --
2 MR. NEVIN: Object. This is leading.
3 COURT: All right. I'll sustain the objection.
4 MR. LINDQUIST: I didn't even get it out, Your Honor.
5 COURT: You appear to be heading in a leading
6 direction.
7 MR. LINDQUIST: Well, I'm going to surprise you
8 because it wasn't headed that way.
9 BY MR. LINDQUIST:
10 Q. And what did your investigation suggest as far as the
11 nature of the funds that were being funneled through his
12 account?
13 A. They appear to be payments that were -- that the defendant
14 was receiving from overseas or sometimes in the form of local
15 solicitation that was being sent to the IANA for use by the
16 IANA exclusively.
17 Q. And concealed in loan designation?
18 A. That's what it appears at this stage.
19 Q. An affidavit paragraph 43, the uncle is mentioned a bit
20 more; is that correct?
21 A. That is correct.

Exhibit B.txt

22 Q. Did your investigation show additional contact between this
23 uncle -- and when I say additional, additional to the hundred
24 thousand dollars funds that flowed through the defendant's
25 account, additional contact with the United States by that

□

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1 uncle?

2 A. I'm not sure I understand the question.

3 Q. Did your investigation reveal that the uncle was here at
4 any particular time in the United States?

5 A. Yes, it did.

6 Q. What did your investigation reveal as far as when he was
7 here?

8 A. It appeared that the uncle arrived in the United States on
9 or about August 20 of 2001. He was met in New York or
10 Washington, D.C., I'm not exactly sure but he was met on the
11 east coast by some members of a Moslim (inaudible) in New York.
12 He was given a tour of the area, given a tour of downtown New
13 York -- of downtown Manhattan including the vicinity of the
14 world Trade Centers. He subsequently traveled to the Midwest
15 to Chicago, to Detroit, even into Canada and it appears that he
16 met with numerous officials of both the IANA and other
17 charitable organizations.

18 Q. Was there anything in your investigation that indicated
19 that the defendant joined him at some point in time on this
20 trip?

21 A. There are indications that they did join and that is based
22 on our review of financial analysis of the defendant's accounts
23 which show money disbursed in Ann Arbor, Michigan area from his

Exhibit B.txt

24 account at the same time that the uncle was in Ann Arbor.
25 Q. Where did the trip take the uncle and by the way, was the

□

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1 uncle alone according to the information that you received as
2 far as this trip was concerned?

3 A. No, the uncle was accompanied by his spouse, Fadine
4 Peterson (phonetic).

5 Q. And where did the trip take them after the Detroit area?

6 A. I may have the sequence incorrect but they did travel to
7 Chicago and to Canada, returned to Michigan and then traveled
8 back to Virginia.

9 Q. And approximately when was it that they arrived back in
10 Virginia?

11 A. I believe it was on or about September 6, 2001.

12 Q. And do you know where they initially stayed when they
13 returned to the Virginia area and what part of the Virginia
14 area was that?

15 A. It was the Herndon, Virginia area more or less.

16 Q. Do you recall where they went initially there in the
17 Herndon, Virginia area?

18 A. They stayed at one hotel for a couple of nights. I can't
19 recall the hotel but then after one or two nights, changed the
20 hotel to the Marriott Residence Inn in Herndon.

21 Q. And you recall what day that was that they went into the
22 Marriott Residence in Herndon?

23 A. I'm not positive.

24 Q. Approximately how long prior to September 11?

Exhibit B.txt
25 A. Just two or three days prior.

0

83

1 Q. What's the significance of the Marriott Residence in
2 Herndon as far as this investigation is concerned?

3 A. That particular hotel is significant because our
4 investigation nationwide has revealed that at least three of
5 the hijackers of Flight 77 stayed at that hotel on September
6 10.

7 Q. And the three hijackers have been linked to which of the
8 flights of the September 11 events?

9 MR. NEVIN: Object to it as asked and answered.

10 COURT: I'll allow him to answer (inaudible) response.

11 WITNESS: The Flight 77 was the flight that eventually
12 crashed into the Pentagon.

13 BY MR. LINDQUIST:

14 Q. After September 11, did an FBI investigation involve the
15 uncle and his wife?

16 COURT: This might be a good time to stop before you
17 go into another area. We'll go ahead and recess for one hour
18 and reconvene at 1:00. The court's in recess.

19 CLERK: All rise.

20 (A recess was taken.)

21 CLERK: All rise. The Court is back in session.

22 COURT: Good afternoon. You may be seated. You may
23 proceed where you left off. The witness will return to the
24 stand. I'll remind you you are still under oath.

25 MR. NEVIN: Judge, could I interrupt just to -- for a

Exhibit B.txt

□

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1 moment? I anticipate the need to present evidence to the Court
2 by a teleconference.

3 COURT: I was advised of that by the clerk. I will
4 break a little before 2:00 and (inaudible) set up --

5 MR. NEVIN: That will be fine.

6 COURT: (Inaudible.)

7 MR. NEVIN: Thank you.

8 COURT: You may proceed.

9 BY MR. LINDQUIST:

10 Q. Agent Gneckow, before the lunch break, you provided
11 testimony about the computer images and if you recall, I
12 skipped over several as far as asking for your specific
13 comments and over the lunch break, you advised me that there
14 were several that you felt would be particularly pertinent as
15 far as their relevance; is that correct?

16 A. That's correct.

17 Q. If you'd take Exhibits 86, 87 and 91. Do you find those?
18 86, 87 and 91.

19 A. I've got them.

20 Q. What does the image on 86 portray and its significance?

21 A. What's interesting about the image on Exhibit 86 is that
22 the file name is "Dirty Bomb." The photograph depicts or the
23 image depicts two or three individuals that are wearing
24 hazardous material protective gear including gas masks and the
25 like.